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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,595	06/26/2006	Roland Bachmann	095309.56365US	4784

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CROWELL & MORING LLP  
INTELLECTUAL PROPERTY GROUP  
P.O. BOX 14300  
WASHINGTON, DC 20044-4300

EXAMINER
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TO, TOAN C

ART UNIT	PAPER NUMBER
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3616

MAIL DATE	DELIVERY MODE
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01/24/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/539,595

Applicant(s)

BACHMANN ET AL.

Examiner

Toan C. To

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 5, 12 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6-17-2005
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Species 2, claims 1-11 in the reply filed on November 15, 2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 12-13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on \*\*\*.
3. Claim 5 is withdrawn from further consideration by the examiner because the elected species discloses that the drive unit is a motor but not a hydraulic pump as recited in claim 5.

### ***Specification***

4. The specification is objected to because it does not has section headings. Correction is required. See MPEP § 608.01(b).
5. The abstract is objected to because it contains "Fig.1" at the bottom. Correction is required. See MPEP § 608.01(b).

### ***Drawings***

6. The drawings are objected to under 37 CFR 1.83(a) because they fail to show a spring-locking means 2a and fastening means 2b as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in

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compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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8. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Biller et al (U.S. 6,932,324).

Biller et al discloses a seatbelt lock (see figure 1) having a preventive tensioning device (combination of the tube 16, a spring 18, a rack 22 and a pinion 46) which moves the seatbelt lock from an operating position into a lowered safety position with respect to the operating position and which comprises an energy accumulator (16) and a drive unit (see column , in that the seatbelt lock is maintained preloaded in the operating position by means of the energy accumulator (16), the drive unit (48) transferring the seatbelt lock from the safety position back into the operating position, wherein, the drive unit (48) of the tensioning device moves the seatbelt lock from its operating position into a raised comfort position with respect to the operating position; wherein the energy accumulator (16) is a compression spring (18) which is connected to the seatbelt lock via a draw-in cable (12); wherein a rack (22) is fastened to the seatbelt lock and interacts with a corresponding driven gear (gear of the motor 48) of the drive unit (48); wherein the drive unit (48) is an electric motor which drives an electric motor-operated seat adjuster.

9. Claims 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Mori et al (U.S. 7,108,284).

10. Mori discloses a deflection unit for a seatbelt lock having a preventive tensioning device, wherein a shaft (120) is provided with a cam track (154) which is in engagement with a catch (130) and a ratchet gear (112) is provided with a grooved track (122) which is in engagement with the catch (130) the ratchet gear (112) being able to rotate on the shaft between two operating positions; wherein the catch (130) is not in engagement

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with the grooved track (122) during a preventive tensioning operation; wherein the catch (130) is not in engagement with the cam track (154) during a reversing operation; wherein, when there are high tensile forces on the seatbelt lock, the ratchet gear (112) can be rotated as far as stops on the shaft (120).

11. Claims 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Yano et al (U.S. 6,726,249).

A synchronizing unit for a seatbelt lock having a preventive tensioning device (200) for controlling tensioning, reversing and locking operations, wherein locking blocks (23, 25) are mounted so that they can be rotated relative to one another within a housing (20, 39) for a spring (31); wherein the end faces of the locking blocks (23, 25) are designed as tooth flanks.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan C. To whose telephone number is (571) 272-6677. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TTo

January 17, 2008

  
**TOANTO**  
**ENT EXAMINER**